

NATIONAL FOREST ADVISORY BOARD MEETING (NFAB) – October 13, 2004, 1 p.m., Salon D, Holiday Inn City Center, Rapid City, SD

ATTENDEES: Board members: Chairman Tom Blair, Vice-Chairman Bob Kloss, Aaron Everett, Ron Johnsen, Pat McElgunn, Jeff Olson, Bob Paulson, Jim Scherrer, John Teupel, and Linda Tokarczyk. Forest Service representatives: Lonnie Arthur, Frank Carroll, Dorothy FireCloud, Rick Hudson, Steve Kozel, Dave Thom, Bob Thompson, and Jeff Ulrich.

Board members absent: John Cooper, Bryce In The Woods, Jim Margadant, Nels Smith, and Ed Yelick.

Approximately 25 citizens and 10 Forest Service staff were also present along with various media representatives.

Chairman Blair called the meeting to order at 1:15 p.m.

HOUSEKEEPING ITEMS: Chairman Blair reminded everyone to tend to their cell phones, either muting them or switching them off. Chairman Blair introduced the newest member of the board, Linda Tokarczyk, who will represent the Wyoming state-level elected official as a designee. Tokarczyk provided a briefing about herself as Crook County (WY) Commissioners consultant and Crook County Phase II representative.

MINUTES: Chairman Blair indicated minutes from the last meeting stand approved as written. Frank Carroll introduced Lonnie Arthur from the Forest Service as today's recorder. Jim Scherrer thanked the Forest Service for the minutes and the subcommittee report being forwarded one week in advance for the Board's review.

Carroll reminded the Board that for the November 17 meeting it will be important to look at target issues: re-chartering; a white paper for strategic planning; and the staggering of board terms for orderly succession.

Scherrer made a motion to approve the agenda, and Bob Paulson provided a second. The published agenda was approved.

Chairman Blair provided three minutes each for comment on travel management for anyone wishing to address the Board, and then public comment will close. No one requested time. The comment period was officially closed.

John Teupel stated that an NFAB member has become a spokesperson in a political campaign. He voiced opposition to the use of NFAB endorsement that appears as a tag line on the commercial. Teupel asked if it is acceptable for a Board member to appear in a commercial where it has the appearance of the organization's endorsement i.e., NFAB.

He made the following motion: Is it acceptable for a member of the Black Hills National Forest Advisory Board to serve as a spokesperson on forest policy issued for a candidate for political office and use the Black Hills National Forest Advisory Board name in

partisan political advertisements? A yes vote would condone such practice, and a no vote would reject such practice.

Ron Johnsen seconded the motion not to use NFAB as part of a political ad representing the organization. Paulson stated he was not aware the ad had run in the spring. Scherrer requested a written vote as opposed to a voice vote. Vice-chairman Kloss asked for clarification of yes or no and what they mean. Teupel said it meant as it is stated on the written motion.

Teupel made a follow-up motion that the direction apply to all political candidates. Vice-chair Kloss asked if the Board needed a disclaimer. Johnsen said a tag line is appropriate if it only affiliates the member but does not imply the support of the organization.

Jeff Olson asked what really represents political advertising. Teupel said individually it's okay, but it should not have the association of the Board as it implies the entire Board supports/endorse the candidate.

Olson asked if as an NFAB member he (in a newsletter for a group) mentions his affiliation with NFAB, is it contrary to the issue at hand. Johnsen said not naming (as on behalf of) the organization but only as an associate of that organization is acceptable. Chairman Blair said the ad in question has been altered to remove the tag line.

Teupel reminded the Board that a yes vote states that it is acceptable, and a no means it is not acceptable. A written vote was taken. While votes were being tallied, Carroll congratulated Olson for his picture in the paper (*RC Journal*) in his "pjs"! Dave Thom introduced Dorothy FireCloud as acting Deputy Forest Supervisor. FireCloud shared background information. The ballot results were 6 yes, 3 no, and 1 abstain.

Teupel made a new motion: That any member of the Black Hills National Forest Advisory Board who appears in a political ad that uses the Black Hills National Forest Advisory Board name ask the candidate who pays to air such ads to cease doing so immediately, so that voters are not led to believe that the entire membership of the Black Hills National Forest Advisory Board supports one political candidate over another. Johnsen seconded the motion. The motion carried with Pat McElgunn voting no. Chairman Blair will make the decision to make changes to the ad or resign.

Carroll said Dave Thom had an announcement concerning sensitive area closings. Thom said special orders have been signed for many areas previously discussed. There will be a need to fund the travel management analysis. The budget is \$160,000. Thom stated he and others appreciate the Board's interest in working on this issue.

Bob Thompson was called upon to review the closure list. The boundaries follow familiar roads and are greater than the botanical areas allocated to be closed. Scherrer asked if signs will be placed once the orders are signed. Thompson said maps will be attached to the orders, and signs will be placed where they are logical.

McElgunn asked about the status of Botany Canyon. Thompson said the Forest is in the process of closing the area and working with four-wheeler groups and private landowners to provide needed barricades, etc. Johnsen asked if there would be media coverage. He said media coverage was important for such actions.

Chairman Blair reminded everyone that the comment period had been closed as there was no additional public comment. Kloss, subcommittee chair, thanked the citizens, Board, rangers, Forest Service employees, and committee. The proposal before the Board includes appendices: the attached map is the WYOMING ORV Map. He noted Sections A and B are the recommendations while declining to go over them over item by item.

Scherrer as a member of the subcommittee said the recommendation takes into consideration the views of all. He thanked Colin Patterson and Greg Mumm for moving forward. The documents take both ends and move them toward the middle.

Paulson asked for clarifications on the proposed rule making, July 2004, from open unless closed to closed unless open. He understands that when addressing this to the Forest Supervisor, the Board is not establishing policy but making a recommendation. Olson said he was confused on 36CFR, 212, proposed rule making. Does the base line, which is currently open unless closed, change and establish a closed unless open rule?

Everett said the rule making is not final; it is just a recommendation to the Forest Supervisor until the final rule is made. He proposed leaving the recommendation from the subcommittee as stated. Kloss said these are the immediate recommended actions, but the Board cannot predict what the final actions will be.

Scherrer said the subcommittee recommended moving from A to B, not A to D; intermediate plans need to be made for areas of use with current Forest users rather than an abrupt closure. Paulson said the document does not state "closed unless open." Johnsen, in comparing this document with CFR, asked about funding.

Kloss, referencing 36CFR, 212, said the document is a comprehensive idea, but funding has not been established. He supported the need to go after non-federal money for this Forest.

Johnsen asked if the Forest could implement this plan based on \$160,000 or whether there is a need to identify additional funding. Paulson asked what is being spent now and what will need to be re-done in the future. Everett said it will take steps to accomplish things in order and to be able to act sooner than later, so the Forest may achieve immediate desired results.

Paulson asked if the Board and the Forest are responding to complaints vs. creating a broader comprehensive plan. Thom said the Forest should post areas already decided to protect current areas; then the recommendation is to move into new areas. The investment is worthwhile for doing protection now. Everett said here is a need to move

in order to be reasonably posted, as the Forest Service does not have enforcement to accomplish everything right now.

Scherrer said the Forest cannot shut down everything right away. Something needs to be done to keep all of this moving forward while retaining public trust. Kloss said the basic premise is there in the proposal, and this is what the subcommittee recommends to the Board for approval.

McElgunn said that in the Prairie Project, there are three types of areas or categories: no travel, limited travel, and seasonal closure. Those plans are being implemented. Are there other projects following this progressive model? Thompson said yes.

McElgunn said this seems to be a reasonable approach vs. a drastic change. Paulson asked Steve Kozel about the Bearlodge project. Chairman Blair asked Kozel if he saw anything in the recommendation that jumps off the page of which the Board should be aware. Kozel said what is laid out will definitely help him.

Chairman Blair asked if the Board wanted to recommend this document. Everett asked for clarification on the map and where it is to be placed in the timeline. Scherrer said the committee had considered the need to have maps done as quickly as possible. Everett, regarding ethical use, asked about determining appropriate popular use areas that can be easily identified so as to steer the public to those areas. Scherrer said it wasn't the subcommittee's task to create the document that the Forest Service will do as part of its recommendation.

Kloss said any maps, etc. will be temporary. What is needed is a transportation atlas that is comprehensive and beyond where the travel management process is now and part of the overall long-range planning. Paulson asked if these recommendations can be put into place and said the Board would need legislative research, the legislative process for funding, state partnership, and cooperation etc. Teupel said the Board should research options based on existing plans from other states.

Scherrer asked for input from Rick Hudson regarding likelihood of accomplishment in 2004, referencing what Margadant wrote in the recommendation. Hudson said yes; some of them are already in the works. Olson asked if the Forest is doing maps and creating designated trails. Scherrer said intermediate steps are being taken. Teupel asked if May 2005 is a reasonable target to have legislation and maps in place. Scherrer said no. Teupel asked about a cooperative agreement with the State in May 2005. Kloss indicated this is not what was proposed.

Scherrer pointed out Objective 2 on page 4 that by August 2005 the Board would hear a progress report from the Forest Service every two months as evidence of on-going progress. Everett asked for clarification of the first sentence. Paulson said he would like to make a mission statement revision. Everett made a motion to amend, which Scherrer seconded.

The original recommendation was retained with two wording changes as follows:

A. Background

The Black Hills National Forest Advisory Board (BHNFAB) is mindful of the proposed rule on Travel Management: Designated Routes and Ares for Motor Vehicle Use, 36 CFR 212. It covers most of the definitions and actions suggested by our own public comment meetings on this issue. The Board suggests an Overall Mission Statement and Timetable of Actions specific to the Black Hills National Forest (the Forest/BHNF) as follows:

B. Overall Mission Statement:

The Black Hills National Forest will develop and implement a sustainable road and trail system for better management of off-highway vehicle (OHV) use and therein provide for conservation and protection of the Forest.

Paulson asked if the Forest Service staff is comfortable with the recommendation the subcommittee was tasked to do. Carroll said it is a recommendation for us to work on, not what we are specifically tasked to do. Kloss said this is a priority issue that needs to have action. Everett made a motion to approve the recommendation to the Forest Service and Johnsen seconded. The motion carried unanimously.

Scherrer expressed his displeasure with media leaving before the meat of the issue was on the table, and said they seem to be only interested in the politics that occurred at the beginning of the meeting.

A break began at 2:45 p.m.; the meeting resumed at 3 p.m.

Chairman Blair invited Thom to make a brief presentation for Phase II. Thom said the plan was to pique the Board's interest today, have discussion at the November meeting, and take suggestions in December to be integrated with the other public comments to craft a plan based on all recommendations.

Jeff Ulrich reviewed a series of visual aids that provided an overview of the Plan and its alternatives; he indicated the Plan is in the draft EIS comment stage and the Forest plans to craft a final document based on public comment and NFAB recommendations. The public comment period is through December 15, 2004.

When Thom asked Ulrich to explain why the Regional Forester selected Alternative 6 as the preferred alternative, Ulrich indicated Alternative 6 has the most comprehensive approach.

Following general discussion on the proposal, Chairman Blair asked for any other questions or discussions on the Phase II. Thom said the Forest will be looking for recommendations from the Board in March or April.

When Scherrer asked what the agenda for November would be, Chairman Blair said it would be Phase II. Teupel asked if the Board would meet at the West River Ag Center,

and Chairman Blair said yes. Paulson asked whether the Board would have a Forest Service two-month report in December.

Chairman Blair said although many pieces dovetail nicely, others do not, and they need to be given equal treatment such as travel management, invasive species, fragmentation, and the Healthy Forest Initiative.

Thom said Appendix D is helpful and contains the guts of the Phase II proposal.

FireCloud thanked the Board for the hard work on the development of the white paper on travel management. She said the Forest will work hard on meeting these dates but cannot make any guarantees. The BHNF staff is working hard and putting in long hours already and therefore cannot promise to fulfill any additional demands presently. For Phase II, please refer to Chapters 1 and 2 and the Appendix.

Chairman Blair invited final comments from the Board. Paulson exuberantly stated that the Board finally did something! Olson said since the public input was so good on travel management, maybe the Board should do the same for Phase II.

Tokarczyk inquired as to December's meeting date, which is December 8, 2004.

McElgunn said in the legislative arena and public's "ownership" of their Forest, these might be difficult areas to work through. East River perceptions influence public awareness even though they don't live here.

Teupel said taxation is an issue, and other items may not be. He asked about the State being part of a cooperative agreement for trail management.

Everett said regarding Phase II input, approximately 15 people have shown up for four open houses. He does not feel the call for public input will be well attended; other consultation may be in order, however.

Scherrer thanked Kloss for chairing the subcommittee and all its hard work.

Carroll said he understood the Board's frustration with the media, but the Board's meeting timetable does not coincide with media deadlines. Changing meeting times is not likely.

Kloss thanked the subcommittee for its input and Forest Service personnel for taking the time to participate in the process. Future agendas may need to include other areas such as fragmentation. He is pushing for a Council of Governments for the Black Hills if this group is re-chartered.

Chairman Blair announced a Phase II Amendment review at the Lawrence County Courthouse at 9:30 a.m. on Oct 26 and extended the invitation to the Board to participate.

Chairman Blair asked FireCloud to check the NFAB charter based on the recommendations presented.

Chairman Blair adjourned the meeting at 3:45 p.m.